

1 **R277. Education, Administration.**

2 **R277-469. Instructional Materials Commission Operating**
3 **Procedures.**

4 **R277-469-1. Definitions.**

5 A. "Advanced placement materials" means materials used
6 for the College Board Advanced Placement Program and classes.
7 The program policies are determined by representatives of
8 member institutions. Operational services are provided by the
9 Educational Testing Service. The program provides practical
10 descriptions of college-level courses to interested schools
11 and student test results based on these courses to colleges of
12 the student's choice. Participating colleges grant credit or
13 appropriate placement, or both, to students whose test results
14 meet standards prescribed by the college.

15 B. "Basic skills course" means a subject which requires
16 mastery of specific functions to include reading, language
17 arts, mathematics through geometry, science, in grades 4
18 through 12, and effectiveness of written expression.

19 C. "Board" means the Utah State Board of Education.

20 D. "Commission" means the Instructional Materials
21 Commission.

22 E. "Curriculum alignment" means the assurance that the
23 material taught in a course or grade level matches the
24 standards, objectives and assessments set by the state or
25 school district for specific courses or grade levels.

26 F. "Curriculum map" means a visual representation, a
27 tool, for assisting developers to conceptualize shared visions
28 and values which will drive the curriculum as a whole.
29 Sometimes called a concept map, this tool clarifies a plan for
30 knowledge construction; it shows the links and relationships
31 between concepts.

32 G. "Instructional materials" means systematically
33 arranged content in text or digital format which may be used
34 within the state curriculum framework for required courses of
35 study by students in public schools, including textbooks,
36 workbooks, computer software, online or internet courses, CDs
37 or DVDs, and multiple forms of communication media. [~~text~~

~~materials, in harmony with the Core framework and required~~
~~courses of study or U-PASS requirements or both, which]~~ Such
materials may be used by students or teachers or both as
principal sources of study [~~and which~~] to cover any portion of
the course. These materials:

(1) shall be designed for student use; and

(2) may be accompanied by or contain teaching guides and
study helps;

(3) shall include all textbooks, workbooks and student
materials and supplements necessary for a student to fully
participate in coursework; and

(4) shall be high quality, research-based and proven to
be effective in supporting student learning.

H. "Independent party" means an entity that is not the
Board, not the superintendent of public instruction or USOE
staff, or an employee or board member of a school district, or
the instructional materials creator or publisher, or anyone
with a financial interest in the instructional materials,
however minimal.

I. "Integrated instructional program" means any
combination of textbooks, workbooks, software, videos,
transparencies, or similar resources used for classroom
instruction of students.

~~[Θ]~~ J. "~~[Primary i]~~ Instructional materials provider"
means a publisher or author and self-publisher who sells or
provides instructional materials for use in Utah public
schools.

~~[Ϛ]~~ K. "International Baccalaureate" means college level
work, limited in subject areas, which balances humanities and
sciences in an interdisciplinary, global academic program that
is both philosophical and practical. This multi-cultural
experience emphasizes analytical and conceptual skills and
aesthetic understanding for advanced students.

~~[K]~~ L. "National Instructional Materials Access Center
(NIMAC)" is a central national repository established at the
American Printing House for the Blind (APH) to store and to
maintain NIMAS file sets. It features an automated system for

75 allowing publishers to deposit NIMAS-conformant files within
76 the repository. Files are checked to confirm that they are
77 valid NIMAS-conformant files and then cataloged in a web-based
78 database. Those who have been authorized for access have user
79 identifications and passwords. These authorized users may
80 search the NIMAC database and directly download the file(s)
81 they need to convert into accessible instructional materials
82 for those students who are in elementary and secondary schools
83 and have qualifying disabilities.

84 [F]M. "National Instructional Materials Accessibility
85 Standard (NIMAS)" is a technical standard used by publishers
86 to produce consistent and valid XML-based source files that
87 may be used to develop multiple specialized formats, such as
88 Braille or audio books, for students with print disabilities.

89 [M]N. "Not recommended materials" means instructional
90 materials which have been reviewed by the Commission but not
91 recommended.

92 [N]O. "Primary instructional material" means a
93 comprehensive basal or Core textbook or integrated
94 instructional program for which a publisher seeks a
95 recommendation for Core subjects designated in R277-700-4, 5,
96 and 6.

97 P. "Public website" means a website designated by the
98 USOE provided by the publisher of instructional materials,
99 free-of-charge, to teachers and the general public, to exhibit
100 alignment and mapping to the Core for Utah primary
101 instructional materials.

102 Q. "Recommended instructional materials (RIMs)" means
103 the recommended instructional materials searchable database
104 provided as a free service by the USOE for the posting of
105 evaluations and alignments to the Core of instructional
106 materials submitted by publishers and on the public website of
107 the publisher, if applicable, for review by the Commission and
108 approval of the Board.

109 R. "State Core Curriculum (Core)" means minimum academic
110 standards provided through courses as established by the Board
111 which shall be completed by all students K-12 as a requisite

for graduation from Utah's secondary schools. The Core is provided in R277-700.

S. "USOE" means the Utah State Office of Education.

~~[T. "Utah Performance Assessment System for Students (U-PASS)" means:~~

~~—— (1) systematic norm-referenced achievement testing of all students in grades 3, 5, 8, and 11 required by this part in all schools within each school district by means of tests designated by the Board;~~

~~—— (2) criterion-referenced achievement testing of students in all grade levels in basic skills courses, to include reading, language arts, mathematics through geometry, science, in grades 4 through 12, and effectiveness of written expression, as defined in Section 53A-1-602;~~

~~—— (3) a direct writing assessment in grades 6 and 9; and~~

~~—— (4) a tenth grade basic skills competency test as detailed in Section 53A-1-611.]~~

T. "Utah Performance Assessment System for Students (U-PASS)" means:

(1) criterion-referenced achievement testing of students in all grade levels in:

(a) language arts (grades 3-11);

(b) mathematics (grades 3-7) and pre-algebra, elementary Algebra 1, Algebra 2 and geometry;

(c) science (grades 4-8) and earth systems, biology, chemistry, and physics; and

(2) an online direct writing assessment in grades 5 and 8;

(3) a tenth grade basic skills competency test as detailed in Section 53A-1-611 (suspended through at least the 2011-2012 school year); and

(4) the use of student behavior indicators in assessing student performance.

(5) The U-PASS Performance Report is suspended through at least the 2011-2012 school year.

R277-469-2. Authority and Purpose.

148 A. This rule is authorized under Utah Constitutional
149 Article X, Section 3 which vests general control and
150 supervision over public education in the Board, by Section
151 53A-14-101 which directs the Board to appoint an Instructional
152 Materials Commission and directs the Commission to evaluate
153 instructional materials for recommendation by the Board, by
154 Section 53A-14-107 which directs the Board to make rules that
155 establish the qualifications of the independent parties who
156 may evaluate and map the alignment of the primary
157 instructional materials and requirements for the detailed
158 summary of the evaluation and its placement on a public
159 website, and by Section 53A-1-401(3) which allows the Board to
160 make rules in accordance with its responsibilities.

161 B. The purpose of this rule is to provide definitions,
162 operating procedures and criteria for recommending
163 instructional materials for use in Utah public schools. The
164 rule also provides for mapping and alignment of primary
165 instructional materials to the Core consistent with Utah law.

166 **R277-469-3. Use of State Funds for Instructional Materials.**

167 A. School districts may use funds:

168 ~~[(1) for primary instructional materials that have been~~
169 ~~mapped and aligned to the Core by an independent party; and]~~

170 ([2]1) for any primary supplemental or supportive
171 instructional materials that support Core or U-PASS
172 requirements.

173 ([3]2) for instructional materials selected and approved
174 by a school or school district consistent with the standards
175 of this rule and:

176 (a) consistent with established local board procedures
177 and timelines; and

178 (b) consistent with Section 53A-13-101(1)(c)(iii); or

179 (c) consistent with Section 53A-14-102(4).

180 B. Schools or school districts that use any funding
181 source to purchase materials that have not been recommended or
182 selected consistent with law, may have funds withheld to the
183 extent of the actual costs of those materials pursuant to

Section 53A-1-401(3) .

C. Free instructional materials:

(1) that are used as primary instructional materials or that are part of primary integrated instructional programs shall be subject to the same independent party evaluation and Core mapping as basal or Core material; or

(2) if free materials are provided as part of a supplemental program, they may be used as student instructional materials only consistent with the law and this rule; and

(3) shall be reviewed and recommended by the Commission or by a school in a public meeting consistent with Section 53A-14-102(4), prior to their use.

D. Charter schools are exempt from Section 53A-14-107. Despite this exemption and consistent 34 CFR 300.172(c), hereby incorporated by reference, all public schools subject to a state education agency that contracts with NIMAC require publishers with whom the public schools under the control of the state education agency contract to prepare and, on or before delivery of the print instructional materials, provide to NIMAC electronic files containing the contents of the print instruction materials using the NIMAS or purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats.

E. Notice to publishers

(1) All traditional and charter public schools shall be responsible for notifying all publishers with whom they contract for instructional materials beginning October 1, 2008 that all materials shall be provided consistent with R277-469-3D.

(2) Traditional and charter schools shall include a copy of R277-469, drawing publishers' attention to this provision of the rule, with the notice to publishers from whom the schools purchase materials.

(3) Schools shall provide publishers with timely notice of this requirement.

220 **R277-469-4. Instructional Materials Commission Members Terms**
221 **of Service.**

222 A. Members shall be appointed from categories designated
223 in Section 53A-14-101.

224 B. ~~[Members shall serve four year staggered terms with~~
225 ~~the option, jointly expressed by the Commission member and the~~
226 ~~Commission, for reappointment for one additional term]~~Members
227 of the Commission shall serve four year terms, staggered to
228 ensure continuity in the efficient operation of the
229 Commission. Members may apply for reappointment for one
230 additional term.

231 C. The Commission may establish subcommittees as needed.

232 **R277-469-5. Commission Review of Materials.**

233 A. The primary focus of instructional materials review
234 shall be materials used in subjects assessed under U-PASS to
235 include reading, language arts, mathematics through geometry,
236 science, in grades 4 through 12, and effectiveness of written
237 expression, and other Core subject areas as assigned by the
238 Board.

239 B. Subject areas and timelines for review shall be
240 determined by the Commission based on school district needs
241 and requests, and using forms and procedures provided by the
242 USOE.

243 C. Commission review of material takes place at least
244 annually.

245 **R277-469-6. Review and Adoption Categories.**

246 Materials may be considered for review by the Commission
247 and designated under the following categories. They may be
248 purchased with state funds and used consistent with this rule:

249 A. Recommended Primary: Instructional materials that:

250 (1) are in alignment with content, philosophy and
251 instructional strategies of the Core;

252 (2) have been mapped and aligned to the Core, consistent
253 with Section 53A-14-107 after the 2012-2013 school year;

254 ([3]2) are appropriate for use by students as principal

sources of study;

([4]3) provide comprehensive coverage of course content;
and

([5]4) support Core or U-PASS requirements or both.

B. Recommended Limited: Instructional materials that are in limited alignment with the Core or U-PASS requirements or are narrow or restricted in their scope and sequence. If school districts or schools select and purchase materials designated under this category, it is recommended that they have a plan for using appropriate supplementary materials assuring coverage of Core requirements.

C. Recommended Teacher Resource: Instructional materials that are appropriate as resource materials for use by teachers.

D. Recommended Student Resource: Instructional materials aligned to the Core or that support U-PASS that are developmentally appropriate, but not intended to be the primary instructional resource. These materials may provide valuable content information for students.

E. Reviewed, but not Recommended: Instructional materials that may not be aligned with the Core, may be inaccurate in content, include misleading connotations, contain undesirable presentation, or are in conflict with existing law and rules. School districts are strongly cautioned against using these materials.

F. Not Sampled: Instructional materials that were included in the publisher bid but were not sampled to the USOE or the Commission.

R277-469-7. Criteria for Recommendation of Instructional Materials Following Mid-Party Evaluation of Core Curriculum.

A. Instructional materials shall:

(1) be consistent with Core or U-PASS requirements or both;

(2) if used as primary materials, be mapped and aligned to the Core consistent with Section 53A-14-107 and state adopted assessments as applicable for the 2012-2013 school

291 year;
292 ([3]2) be high quality, research-based and proven to be
293 effective in supporting student learning;
294 ([4]3) provide an objective and balanced viewpoint on
295 issues;
296 ([5]4) include enrichment and extension possibilities;
297 ([6]5) be appropriate to varying levels of learning;
298 ([7]6) be accurate and factual;
299 ([8]7) be arranged chronologically or systematically, or
300 both;
301 ([9]8) reflect the pluralistic character and culture of
302 the American people and provide accurate representation of
303 diverse ethnic groups;
304 ([10]9) be free from sexual, ethnic, age, gender or
305 disability bias and stereotyping; and
306 ([11]10) be of acceptable technical quality.
307 B. Publishers, when submitting new primary material to be
308 evaluated by the USOE, shall submit an electronic version in
309 NIMAS file format of that material to the National
310 Instructional Materials Access Center (NIMAC) for use in
311 conversion into Braille, large print, and other formats for
312 students with print disabilities.
313 C. USOE review:
314 (1) The USOE may require a school district to provide a
315 report of instructional materials purchased by the school
316 district or a school in the previous five years.
317 (2) The USOE may initiate a formal or informal audit of
318 instructional materials purchased to determine purchase or use
319 of instructional materials consistent with the law or this
320 rule.

321 **R277-469-8. Agreements and Procedures for School Districts.**

322 A. A local board shall establish a policy for school
323 district and school selection and purchase of instructional
324 materials.

325 B. The detailed Core curriculum alignment shall be
326 required prior to the purchase of primary instructional

327 materials by public schools and school districts purchased
328 ~~[after July 1, 2008]~~for the 2012-2013 school year.

329 **R277-469-9. Qualifications for Core Curriculum Alignment**
330 **Independent Parties.**

331 Independent parties ~~[that may align and map primary~~
332 ~~instructional materials]~~required to meet mapping and alignment
333 requirements for the 2012-2013 school year shall use
334 reviewer(s)/employee(s) who meet the following minimum
335 requirements:

336 (1) have a degree or an endorsement specific to the
337 subject area of the primary instructional materials. For
338 example, a reviewer who is aligning an American literature
339 text shall have an English endorsement or degree; a reviewer
340 who is mapping a calculus text shall have a mathematics
341 endorsement or a related mathematics degree. The USOE shall
342 make available to independent parties a list of acceptable
343 endorsements or degrees that shall be current and valid for
344 appropriate review of materials; and

345 (2) may not be current employees of a publishing company
346 seeking the alignment and map of primary instructional
347 materials;

348 (3) shall post documentation of credentials and
349 endorsements on a public website designated by the USOE as
350 required under Section 53A-14-107(3)(b).

351 **R277-469-10. Detailed Summary Requirements.**

352 Independent parties ~~[that may align and map primary~~
353 ~~instructional materials]~~required to meet mapping and alignment
354 requirements for the 2012-2013 school year shall provide to
355 the publisher a detailed summary of the evaluation. The
356 summary shall:

357 A. be provided on a public website required under Section
358 53A-14-107(3)(b) designated by the USOE;

359 B. submit the summary in the alignment template provided
360 by the USOE;

361 C. submit the summary in a searchable, software database

362 format designated by the USOE;

363 D. include detailed alignment information that includes

364 at a minimum:

365 (1) the title of the material;

366 (2) the ISBN number;

367 (3) the publisher's name;

368 (4) the name/grade of the Core document used to align the

369 material;

370 (5) the overall percentage of coverage of the Core;

371 (6) the overall percentage of coverage in ancillary

372 resources of the material to the Core;

373 (7) the percentage of coverage of the Core in the

374 material for each standard, objective and indicator in the

375 Core with corresponding page numbers;

376 (8) percentage of coverage of the Core not covered in the

377 material but covered in the ancillary resources for each

378 standard;

379 (9) objective and indicator in the Core with

380 corresponding page numbers; and

381 E. provide the detailed alignment information listed in

382 R277-469-10D(4) for the student text for all editions of the

383 text that are used in Utah public schools;

384 F. provide the detailed alignment information listed in

385 R277-464-10D(4) for a teacher edition of text, if a teacher

386 edition is used in Utah public schools;

387 G. provide a map of the materials detailing when the

388 materials should be used in a 180 day school schedule

389 including the standard, objective and indicator of the item to

390 be taught with corresponding page numbers; the recommended use

391 of the material, such as to introduce a concept, to gain

392 information about a concept, to extend understanding of a

393 concept, to apply a concept, or to assess a concept; and

394 hyperlinks to other materials, websites, or lesson plans that

395 correspond to the concept.

396 H. designate at the conclusion of the alignment document,

397 the reviewer's evaluation of the material's alignment to the

398 Core curriculum on a scale of 1-10, with 10 indicating the

closest alignment to the Utah Core curriculum; and

I. provide an assurance, including a personal (electronic is adequate) signature that the work was completed personally and as required by the licensed and endorsed reviewer.

R277-469-11. Agreements and Procedures for Publishing Companies.

A. Beginning with the 2012-2013 school year, [P]ublishing companies desiring to sell primary instructional materials to Utah school districts and schools shall:

(1) contract with an independent party who meets the requirements in R277-469-9 to align and map the primary instructional material and related ancillary materials to the appropriate Utah Core with the following provisions:

(a) the publisher provides a detailed summary of the Core alignment and mapping as described in R277-469-10 at no charge; and

(b) the publisher pays the costs associated with the requirements of Section 53A-14-107.

(2) The requirements under R277-469-9-A(1) shall only be performed by entities consistent with Section 53A-14-107(2).

B. Publishers seeking to sell recommended materials to Utah schools or school districts shall have adopted materials on deposit at an instructional materials depository in the business of selling instructional materials to schools or school districts in Utah.

C. Depository agreements may be made between publishers of materials and one or more depository.

D. The provisions of R277-469-11 shall not preclude publishers from selling instructional materials to schools or school districts in Utah directly or through means other than the designated depository.

E. Recommended materials with revisions:

(1) If a revised edition of recommended materials retains the original title and authorship, the publisher may request its substitution for the edition currently recommended providing that:

435 (a) the original contract price and contract date do not
436 change and the original contract price applies for the
437 substituted materials;

438 (b) the revised edition is compatible with the earlier
439 edition, permitting use of either or both in the same
440 classroom;

441 (c) a sample copy of the revised edition is provided to
442 the USOE Instructional Materials Specialist for examination
443 purposes;

444 (d) the publisher submits a revised electronic edition
445 in NIMAS file format to the National Instructional Materials
446 Access Center (NIMAC) if the USOE approves the substitution
447 request; and

448 (e) a new curriculum alignment and map summary is
449 provided after the 2012-2013 school year.

450 ~~[(2) If Section R277-469-8E is not satisfied, a new~~
451 ~~edition shall be submitted for recommendation as new~~
452 ~~materials.]~~

453 ([3]2) The Commission shall make the final determination
454 about the substitution of a new edition for a previously
455 recommended edition with assistance from the state subject
456 area specialist.

457 F. A publisher's contract price for materials recommended
458 by the Commission shall apply for five years from the contract
459 date.

460 **R277-469-12. Request for Reconsideration of Recommendation.**

461 A. A request for reconsideration is an additional
462 opportunity provided to a school district, school or publisher
463 for review of instructional materials when the school
464 district, school or the publisher disagrees with the initial
465 Commission recommendation.

466 B. The request for reconsideration procedure is as
467 follows:

468 (1) A school district, school or publisher shall receive
469 the evaluations and recommendations from the USOE of the
470 initial review.

(2) A school district, school or publisher shall have 30 days to respond to the evaluation and request to have materials reviewed again during the next review cycle.

(3) During the period of the reconsideration request, materials shall be marked as tentative and shall not be given official status. These materials shall not be posted to the Internet site until recommended through the official Commission process.

(4) A school district, school or publisher may be asked to send a second set of sample materials to the USOE.

(5) Any written information provided by a school district, school or publisher shall be available to the advisory committees during the second review.

(6) After the second review by the subject area advisory committee, the advisory committee's recommendation shall be voted on by the Commission at the next scheduled meeting.

(7) If the Commission votes to change the recommendation, the Board shall consider the Commission's revised recommendation at the next scheduled Board meeting and make a final decision.

(8) A school district, school or publisher shall receive written notification that a recommendation is final and shall receive a copy of the new evaluation. Evaluations may now appear on the Internet if materials are recommended.

KEY: instructional materials

Date of Enactment or Last Substantive Amendment: ~~February 24, 2009~~ 2010

Notice of Continuation March 3, 2008

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53A-14-101; 53A-14-107; 53A-1-401(3)